IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADES
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

Thursday, the Ninth day of September, two thousand and four

Present:
THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 26721 OF 2003

Between:

1. Vellanki Chainnamnaidu S/o Venkaunaidu, aged about 49 years, Asst. Secretary.
2. Pragada Apparao S/o Ayyababu, aged about 52 years, Accountant.
3. Mycherla Ramunaidu s/o Nookanna, aged about 51 years, Clerk-cum-Supervisor.
4. Kalluri Venkataramana S/o Subba Rao, aged about 52 years, Clerk-cum-Supervisor.
5. Dantla Rama Rao S/o Apparao, aged about 51 years, Clerk-cum-Supervisor.
6. Vaddadi Satya Rao S/o Beemunaidu, aged about 51 years, Cashier.
7. Gurrala Raghu S/o Satyanarayana, aged about 36 years, Clerk-cum-Supervisor.
8. Siddabattula Raja Rao S/o Ramana, aged about 38 years, Clerk-cum-Supervisor.
9. Kota Venkata Ramana S/o Appala Raju, aged about 34 years, Clerk-cum-Supervisor.
10. Parapu Satyarao S/o Swaminaidu, aged about 57 years, Attender.
11. Sanapathi Kruparao S/o Gourinaidu, aged about 36 years, Attender.
12. A.Sridevi D/o Jogarao, aged about 20 years, Attender.

(All are working in the Kothakota Primary Agricultural Society Ltd., Kothakota village, Ravikamatham Mandal, Visakhapatnam District.)

…Petitioners

And

1. The Government of Andhra Pradesh, Cooperation Department rep.by its Secretary, Secretariat, Hydetrabad.
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampalli, Hyderabad.
3. The Visakhapatnam District Coop. Central Bank ltd., rep.by its General Manager, Visakhapatnam, Visakhapatnam District.
4. The District Coop. Officer, Visakhapatnam, Visakhapatnam District.
5. The Deputy Registrar of Co-op.Societies, Yellamanchili, Visakhapatnam District.
6. The Branch Manager, District Coop. Central Bank Ltd., Narsipatnam, Visakhapatnam District.
7. The Kothakota Primary Agricultural Coop.Society No.M 120 Kothakota, Ravikamatham (v) Mandal, Visakhapatnam Dist., rep.by its Person-in-charge/Chairman.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 5th respondent in Rc.No.1031/2003-C dated 30-07-2003 as illegal, arbitrary and contracts Articles 14 and 21 of the Constitution of India, consequently direct the respondents to pay the salaries to the petitioners as drawn by them prior to the passing of the impugned proceedings.

For the Petitioners: Mr.D.V.Nagarjuna Babu, Advocate.

For the Respondents 1,2,4 & 5: G.P.for Cooperation and Agriculture.

For the Respondent No.3: Mr.T.Niranjan Reddy, Advocate.

For the Respondent No.7: Mr.D.Radhakrishna, Advocate.

The Court made the following :

ORDER:

The petitioners question the order of the Deputy Registrar of Co-operative Societies dated 30-07-2003 in returning the proposals of the 7th respondent Primary Agricultural Co-operative Society for fixing the staffing pattern, pay-scales etc., for approval.

It is stated that the said proposal is not in confirmity with Section 116-C(1) read with Rules 28(4)(b) and 36-B of the Andhra Pradesh Co-operative Societies Act, as such, the said proposals were returned.

As held in W.P. No.3171 of 2003 and batch dated 30-08-2004, it is for the societies to comply with the mandatory provisions of Section 116-C and if any proposals sent by the society are not approved, it is open for them to file a revision before the Registrar of Co-operative Societies under Section 77 of Andhra Pradesh Co-operative Societies Act.

In view of the aforesaid Judgment, the Writ Petition is dismissed as not maintainable. No order as to costs.

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V.ESWARAIAH,J

Dt.09-09-2004.
Shr.

Asst. Registrar.

Copies to:

1. The Secretary to Government of Andhra Pradesh, Cooperation Department, Secretariat, Hydetrabad (with a copy of order dt.30-8-2004, in W.P., No.3171 of 2003 etc. batch)
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampalli, Hyderabad.
3. The General Manager, Visakhapatnam District Coop. Central Bank ltd., Visakhapatnam, Visakhapatnam District.
4. The District Coop. Officer, Visakhapatnam, Visakhapatnam District.
5. The Deputy Registrar of Co-op.Societies, Yellamanchili, Visakhapatnam District.
6. The Branch Manager, District Coop. Central Bank Ltd., Narsipatnam, Visakhapatnam District.
7. The Person-in-charge/Chairman, Kothakota Primary Agricultural Coop.Society No.M 120 Kothakota, Ravikamatham (v) Mandal, Visakhapatnam Dist.
8. Two CCS., to the GP for Cooperation and Agriculture(OUT).
9. Two CD copies.